

May. 19. 2016 10:46AM

2016 May 19 09:26 AM

-604-585-0352

No. 2590 P. 3

3/118



AG 003884

Cause No. \_\_\_\_\_

ROLANDO GARCIA,  
Plaintiff

vs.

SUNDEEP SINGH DHATT; and  
MARNOR HOLDINGS, LTD.,  
Defendants§  
§  
§  
§  
§  
§  
§  
§

IN THE DISTRICT COURT

79<sup>TH</sup> JUDICIAL DISTRICT

BROOKS COUNTY, TEXAS

**PLAINTIFF'S ORIGINAL PETITION WITH REQUEST FOR DISCLOSURE**

TO THE HONORABLE JUDGE OF SAID COURT:

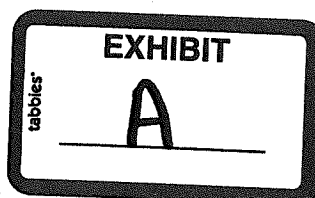
COMES NOW ROLANDO GARCIA, (xxx-xx-x894), (sometime hereinafter referred to as Plaintiff), complaining of SUNDEEP SINGH DHATT (sometimes hereinafter referred to as Defendant DHATT); and, MARNOR HOLDINGS, LTD. (sometimes hereinafter referred to as Defendant MARNOR); and for cause of action respectfully shows the Court as follows:

**I. PARTIES**

Plaintiff brings this suit individually.

Defendant SUNDEEP SINGH DHATT is an individual who can be served by serving the Texas Secretary of State, at the following address: Citations Unit, Texas Secretary of State, James E. Rudder Building, 1019 Brazos, Room 220, Austin, Texas 78701. The Secretary of State can serve Defendant DHATT at his place of residence 15638 96 Ave., Currey, CD V4N2K9.

Defendant, MARNOR HOLDINGS, LTD. is corporation licensed to and doing business in the State of Texas but does not have a registered agent in the State of Texas and therefore, can be served by serving the Texas Secretary of State, at the following address: Citations Unit, Texas Secretary of State, James E. Rudder Building, 1019 Brazos, Room 220, Austin, Texas



255565-C36542-0127

May. 19. 2016 10:46AM

No. 2590 P. 4

**78701. The Secretary of State can serve Defendant MARNOR HOLDINGS, LTD, by serving its President, Craig Nicholson at 3242 264 St., Aldergrove, BC V4W 2X3.**

## **II. VENUE**

Venue is proper in Brooks County, pursuant to Section 15.002(a)(1) of the Texas Civil Practice and Remedies Code in that the accident and/or occurrence made the subject of this case and the acts or omissions occurred in Brooks County, Texas.

## **III. BACKGROUND FACTS AND CAUSES OF ACTION**

On or about May 15, 2015, Plaintiff, while in course and scope of his employment for Brooks County, was patrolling down 281 and was making a proper turnaround, when suddenly, and without warning, Defendant DHATT, who was also traveling Northbound on US 281, and was driving a truck owned by Defendant MARNOR, when Defendant DHATT failed to keep a proper lookout and failed to take evasive action striking Plaintiff's vehicle.

## **IV. PLAINTIFFS' CLAIM OF NEGLIGENCE AGAINST DEFENDANT, DHATT**

Plaintiffs would show that Defendant DHATT was guilty of the following acts and/or omissions, each of which constituted negligence and/or negligence per se and each of which was proximate cause of the occurrence in question and Plaintiffs' resulting injuries.

The negligent and careless disregard of duty of Defendant DHATT consisted of, but is not limited to, the following acts and omissions:

- (a) In failing to take proper evasive action; and,
- (b) In failing to maintain a proper lookout for traffic.

2016-05-19 10:46:46 AM

May. 19. 2016 10:46AM

No. 2590 P. 5

255569-036542-0129

Defendant DHATT had a duty to exercise the degree of care that a reasonably careful person would use to avoid harm to others under circumstances similar to those described herein.

Plaintiff's injuries and damages were proximately caused by Defendant DHATT'S negligent, careless, and reckless disregard of said duty.

**V. PLAINTIFF'S CLAIM OF NEGLIGENCE AGAINST DEFENDANT MARNOR**

At the time and place in question, Defendant MARNOR was guilty of the following acts and/or omissions:

- (a) In negligently entrusting its vehicle to Defendant DHATT; and,
- (b) In allowing Defendant DHATT to operate a vehicle when it was apparent that he was an incompetent and/or reckless driver.

Each and all of the above and foregoing acts of omission and commission constitute negligent, negligent entrustment and gross negligence and were each and all a proximate cause of the incident made the basis of this lawsuit and Plaintiffs' injuries and damages.

Defendant MARNOR is liable to Plaintiff for his damages under the Doctrine of Respondent Superior.

**VI. DAMAGES**

As a direct and proximate result of the accident made the basis of this lawsuit, Plaintiff suffered severe injuries. Additionally they have incurred the following damages.

- (a) Reasonable medical care and expenses in the past. These expenses were incurred by Plaintiffs, for the necessary care and treatment of the injuries resulting from the accident complained of herein and such charges are reasonable and were usual and customary charges for such services;

May. 19. 2016 10:46AM

2016 May 19 09:26 AM -604-585-0352

No. 2590 P. 6

6/118

2016-05-19 09:26 AM -604-585-0352

(b) Reasonable and necessary medical care and expenses which will in all reasonable probability be incurred in the future;

- (c) Physical pain and suffering in the past;
- (d) Physical pain and suffering in the future;
- (e) Mental anguish in the past;
- (f) Mental anguish in the future;
- (g) Lost wages in the past and wage earning capacity;
- (h) Impairment;
- (i) Disfigurement;
- (j) Property damage.

Plaintiff seek damages in an amount in excess of this courts minimum jurisdictional limits.

Pursuant to Texas Rules of Civil Procedure 47(c)(2) Plaintiffs seeks monetary relief of in excess of \$1,000,000.00, and are in excess of this Court's minimum jurisdictional requirements.

All the wrongful and/or negligent/grossly negligent conduct above by each or all Defendants, collectively or singularly- jointly and/or severally, proximately caused Plaintiff's damages, which are all damages allowed by Texas Law.

#### **VII. JURY DEMAND**

Plaintiff request a jury trial, and has tendered the fee.

#### **VIII. REQUEST FOR DISCLOSURE**

May. 19. 2016 10:47AM

2016 May 19 09:26 AM -&gt;604-585-0352

No. 2590 P. 7

7/118

Under Texas Rules of Civil Procedure 194, Plaintiff requests that Defendants disclose, within 50 days of the service of this request, the information or material described in Rule 194.2(a)-(l).

#### **IX. PRAYER**

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays Defendants be cited to appear and answer herein, this cause be set for trial before a jury, and Plaintiffs recovers judgment of and from Defendants for their actual damages, in such amount as the evidence shows and the jury determines to be proven, together with pre-judgment interest and post-judgment interest, cost of suit, and such other and further relief to which Plaintiff may be justly entitled.

Respectfully submitted,  
LAW OFFICE OF WILLIAM J. TINNING, P.C.  
1013 Bluff Drive  
Portland, Texas 78374  
Telephone: (361) 643-9200  
Facsimile: (361) 643-9600  
[btinning@tinninglaw.com](mailto:btinning@tinninglaw.com)

By: /s/ William J. Tinning  
William J. Tinning  
State Bar No. 20060500  
**LEAD ATTORNEY FOR PLAINTIFF**

CO-COUNSEL:  
J. Michael Guerra  
Attorney at Law  
P.O. Box 1968  
Alice, Texas 78333  
(Telephone) 361.668.7344  
(Facsimile) 361.664.1003  
Email: [jmg Guerra@gmail14.com](mailto:jmg Guerra@gmail14.com)

2016 May 19 09:26 AM -&gt;604-585-0352

**CAUSE NO. 15-09-16942-CV**

**ROLANDO GARCIA,**  
*Plaintiff*

**V.**

**SUNDEEP SINGH DHATT and  
MARNOR HOLDINGS, LTD.,**  
*Defendants*

§  
§  
§  
§  
§  
§  
§  
§

**IN THE DISTRICT COURT**

**79<sup>TH</sup> JUDICIAL DISTRICT**

**BROOKS COUNTY, TEXAS**

**DEFENDANTS, SUNDEEP SINGH DHATT  
AND MARNOR HOLDINGS, LTD'S ORIGINAL ANSWER**

TO THE HONORABLE JUDGE OF SAID COURT:

Defendants Sundeep Singh Dhatt and Marnor Holdings, LTD file their Original Answer, and would respectfully show the Court as follows:

1. Defendants generally deny the material allegations of Plaintiff's Original Petition (and any further amendment or supplement thereto) and demand that such be proven by a preponderance of the evidence as required by law.
2. Defendants are entitled to a credit or offset for any monies Plaintiff has received or may receive by way of any settlement, loan receipt or other type agreement arising from Plaintiff's claims and causes of action.
3. Defendants assert that the injuries and damages complained of were caused in whole or in part by the acts, omissions, or conduct of parties not related to, or under the control of, Defendants. Defendants, therefore, invoke the provisions of Chapter 33 of the Texas Civil Practice and Remedies Code, including but not limited to the doctrines of sole proximate cause, contributory and/or comparative fault, and intervening and/or new and independent cause. Defendants also assert all rights of contribution afforded in that statute.

4. Defendants affirmatively plead the limitations on damage recovery found in Texas Civil Practice & Remedies Code §18.091. Defendants further request the Court to instruct the jury as required by that statute.

5. Defendants affirmatively plead the limitation on recovery of medical or health care expenses found in Texas Civil Practice & Remedies Code §41.0105.

**PRAYER**

WHEREFORE, PREMISES CONSIDERED, DEFENDANTS respectfully pray that Plaintiff takes nothing by its causes of action, that Defendants recover their costs incurred herein, and for such other and further relief, both at law and in equity, to which they may show themselves justly entitled.

Respectfully submitted,



J. K. LEONARD

State Bar No. 12209750

(210) 731-6358 (Direct Line)

(210) 785-2958 (Direct Facsimile)

Email: [jkleonard@namanhowell.com](mailto:jkleonard@namanhowell.com)

MARK A. COOPER

State Bar No. 24025752

(210) 731-6352 (Direct Line)

(210) 785-2934 (Direct Facsimile)

Email: [mcooper@namanhowell.com](mailto:mcooper@namanhowell.com)

NAMAN HOWELL SMITH & LEE, PLLC

10001 Reunion Place, Suite 600

San Antonio, Texas 78216

**ATTORNEYS FOR DEFENDANTS**

**SUNDEEP SINGH DHATT and**

**MARNOR HOLDINGS, LTD.**

**CERTIFICATE OF SERVICE**

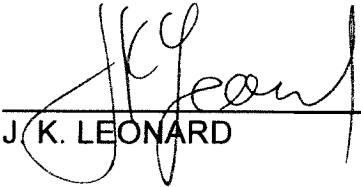
I hereby certify that on this 7<sup>th</sup> day of July, 2016, a true and correct copy of the foregoing was served upon the following counsel of record in the manner noted below:

**Via Facsimile: (361) 643-9600**

William J. Tinning  
LAW OFFICE OF WILLIAM J. TINNING, P.C.  
1013 Bluff Drive  
Portland, Texas 78374

**Via Facsimile: (361) 664-1003**

J. Michael Guerra  
ATTORNEY AT LAW  
P.O. Box 1968  
Alice, Texas 78333  
**ATTORNEYS FOR PLAINTIFF**

  
J. K. LEONARD



Cause No. 15-09-16942-CV

ROLANDO GARCIA,	§	IN THE DISTRICT COURT
Plaintiff	§	
	§	
vs.	§	79 <sup>TH</sup> JUDICIAL DISTRICT
	§	
SUNDEEP SINGH DHATT; and	§	
MARNOR HOLDINGS, LTD.,	§	
Defendants	§	BROOKS COUNTY, TEXAS

---

**PLAINTIFF'S FIRST AMENDED PETITION WITH REQUEST FOR DISCLOSURE**

---

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW ROLANDO GARCIA, (xxx-xx-x894),(sometime hereinafter referred to as Plaintiff), complaining of SUNDEEP SINGH DHATT (sometimes hereinafter referred to as Defendant DHATT); and, MARNOR HOLDINGS, LTD. (sometimes hereinafter referred to as Defendant MARNOR); and for cause of action respectfully shows the Court as follows:

**I. PARTIES**

Plaintiff brings this suit individually.

Defendant **SUNDEEP SINGH DHATT** is an individual who has been served and has answered and appeared herein.

Defendant, **MARNOR HOLDINGS, LTD.** is corporation licensed to and doing business in the State of Texas who has answered and appeared herein.

**II. VENUE**

Venue is proper in Brooks County, pursuant to Section 15.002(a)(1) of the Texas Civil Practice and Remedies Code in that the accident and/or occurrence made the subject of this case and the acts or omissions occurred in Brooks County, Texas.

### **III. BACKGROUND FACTS AND CAUSES OF ACTION**

On or about May 15, 2015, Plaintiff, while in course and scope of his employment for Brooks County, was patrolling down 281 and was making a proper turnaround, when suddenly, and without warning, Defendant DHATT, who was also traveling Northbound on US 281, and was driving a truck owned by Defendant MARNOR, when Defendant DHATT failed to keep a proper lookout and failed to take evasive action striking Plaintiff's vehicle.

### **IV. PLAINTIFFS' CLAIM OF NEGLIGENCE AGAINST DEFENDANT, DHATT**

Plaintiffs would show that Defendant DHATT was guilty of the following acts and/or omissions, each of which constituted negligence and/or negligence per se and each of which was proximate cause of the occurrence in question and Plaintiffs' resulting injuries.

The negligent and careless disregard of duty of Defendant DHATT consisted of, but is not limited to, the following acts and omissions:

- (a) In failing to take proper evasive action; and,
- (b) In failing to maintain a proper lookout for traffic.

Defendant DHATT had a duty to exercise the degree of care that a reasonably careful person would use to avoid harm to others under circumstances similar to those described herein.

Plaintiff's injuries and damages were proximately caused by Defendant DHATT'S negligent, careless, and reckless disregard of said duty.

### **V. PLAINTIFF'S CLAIM OF NEGLIGENCE AGAINST DEFENDANT MARNOR**

At the time and place in question, Defendant MARNOR was guilty of the following acts and/or omissions:

- (a) In negligently entrusting its vehicle to Defendant DHATT; and,
- (b) In allowing Defendant DHATT to operate a vehicle when it was apparent that he was an incompetent and/or reckless driver.

Each and all of the above and foregoing acts of omission and commission constitute negligent, negligent entrustment and gross negligence and were each and all a proximate cause of the incident made the basis of this lawsuit and Plaintiffs' injuries and damages.

Defendant MARNOR is liable to Plaintiff for his damages under the Doctrine of Respondent Superior.

## **VI. DAMAGES**

As a direct and proximate result of the accident made the basis of this lawsuit, Plaintiff suffered severe injuries. Additionally they have incurred the following damages.

(a) Reasonable medical care and expenses in the past. These expenses were incurred by Plaintiffs, for the necessary care and treatment of the injuries resulting from the accident complained of herein and such charges are reasonable and were usual and customary charges for such services;

(b) Reasonable and necessary medical care and expenses which will in all reasonable probability be incurred in the future;

(c) Physical pain and suffering in the past;

(d) Physical pain and suffering in the future;

(e) Mental anguish in the past;

(f) Mental anguish in the future;

(g) Lost wages in the past and wage earning capacity;

(h) Impairment;

(i) Disfigurement;

(j) Property damage.

Plaintiff seek damages in an amount in excess of this courts minimum jurisdictional limits.

Plaintiff's damages, inclusive of court costs and attorney's fees, are not in excess of \$74,999.00.

**VII. JURY DEMAND**

Plaintiff request a jury trial, and has tendered the fee.

**VIII. REQUEST FOR DISCLOSURE**

Under Texas Rules of Civil Procedure 194, Plaintiff requests that Defendants disclose, within 50 days of the service of this request, the information or material described in Rule 194.2(a)-(I).

**IX. PRAYER**

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays Defendants be cited to appear and answer herein, this cause be set for trial before a jury, and Plaintiffs recovers judgment of and from Defendants for their actual damages, in such amount as the evidence shows and the jury determines to be proven, together with pre-judgment interest and post-judgment interest, cost of suit, and such other and further relief to which Plaintiff may be justly entitled.

Respectfully submitted,  
LAW OFFICE OF WILLIAM J. TINNING, P.C.  
1013 Bluff Drive  
Portland, Texas 78374  
Telephone: (361) 643-9200  
Facsimile: (361) 643-9600  
[btinning@tinninglaw.com](mailto:btinning@tinninglaw.com)

By: /s/ William J. Tinning

William J. Tinning  
State Bar No. 20060500  
**LEAD ATTORNEY FOR PLAINTIFF**

CO-COUNSEL:

J. Michael Guerra

Attorney at Law

P.O. Box 1968

Alice, Texas 78333

(Telephone) 361.668.7344

(Facsimile) 361.664.1003

Email: [jmguerra@gmail14.com](mailto:jmguerra@gmail14.com)

**CERTIFICATE OF SERVICE**

I hereby certify that the above and foregoing document was served in compliance with Rule 21a of the Texas Rules of Civil Procedure, on all known counsel of record as indicated below, on this the 7<sup>th</sup> day of July, 2016, to-wit:

**VIA FAX: 1-210-785-2934**

Mr. J.K. Leonard

Mr. Mark A. Cooper

10001 Reunion Place, Ste. 600

San Antonio, Texas 78216

/s/ William J. Tinning  
William J. Tinning